

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 DAVID RUFFA,

4 Plaintiff

Case No. 2:19-cv-00098-APG-VCF

ORDER

5 v.

6 JERRY HOWELL et al.,

7 Defendants
8

9 **I. DISCUSSION**

10 On January 16, 2019, Plaintiff, a prisoner in the custody of the Nevada Department
11 of Corrections ("NDOC"), submitted a civil rights complaint under 42 U.S.C. § 1983 and
12 filed an application to proceed *in forma pauperis*. (ECF Nos. 1, 1-1). On January 18,
13 2019, this Court issued an order denying the application as incomplete and directed
14 Plaintiff to file a fully complete application to proceed *in forma pauperis* or pay the full
15 filing fee within 30 days from the date of that order. (ECF No. 3). Plaintiff subsequently
16 filed an application to proceed *in forma pauperis* and a properly executed financial
17 certificate. (ECF No. 4). Plaintiff did not file an inmate account statement for the past six
18 months. As such, this application is also incomplete.

19 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an
20 application to proceed *in forma pauperis* and attach both an inmate account statement
21 for the past six months and a properly executed financial certificate. Plaintiff has not
22 submitted an inmate account statement for the past six months. (See ECF No. 4). The
23 Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but will not file it until the
24 matter of the payment of the filing fee is resolved. Plaintiff will be granted one final
25 opportunity to cure the deficiencies of his application to proceed *in forma pauperis* by
26 filing an inmate account statement for the past six months, or in the alternative, pay the
27 full filing fee for this action. If Plaintiff fails to file an inmate account statement for the past
28 six months, the Court will dismiss the case in its entirety, without prejudice, to file a new

1 case when Plaintiff is able to acquire the necessary documents to file a complete
2 application to proceed *in forma pauperis*.

3 **II. CONCLUSION**

4 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND
5 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well
6 as the document entitled information and instructions for filing an *in forma pauperis*
7 application.

8 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
9 Plaintiff will either: (1) file an inmate account statement for the past six months in
10 compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action
11 (which includes the \$350 filing fee and the \$50 administrative fee).

12 IT IS FURTHER ORDERED that, if Plaintiff fails to timely file an inmate account
13 statement for the past six months, the Court will dismiss the case, without prejudice, for
14 Plaintiff to file a new case when he is able to acquire the necessary documents to file a
15 complete application to proceed *in forma pauperis*.

16
17 DATED THIS 1st day of February, 2019.

18 
19 UNITED STATES MAGISTRATE JUDGE